

MINUTES OF THE MEETING OF THE SARGENT COUNTY WATER RESOURCE BOARD HELD ON THURSDAY, MARCH 16th, 2023 AT 8:00 A.M. IN THE WATER BOARD CONFERENCE ROOM AT THE SARGENT COUNTY COURTHOUSE, FORMAN NORTH DAKOTA

Managers present: Vice-Chairman Michael Wyum, Managers Roger Zetocha, Bruce Speich and Todd Stein. Also, in attendance was Wendy Willprecht Secretary/Treasurer. Present via video conference was Attorney Sean Fredricks of Ohnstad Twichell, Nathan Trosen of Moore Engineering, Leon Mallberg and Bob Banderet.

Manager Zetocha moved to approve the February 16th, 2023 regular meeting minutes and the February 28th, 2023 Financial Statement. Manager Speich seconded the motion. Upon roll call vote, the motion carried unanimously.

Manager Stein moved to approve the following bills:

Ohnstad Twichell- Bd. Mtgs. \$126.14; Acquisitions \$220; Drain No. 4 reassessment \$1053.71; Drain No. 11 Improv. Proj. \$218.40/Eminent Domain \$3656.23; Drain No. 7 Anderson permit/mtgs. \$372

Total: \$5646.48

Moore Engineering- Bd Mtgs. \$2363.02; Drain No. 4 reassessment \$4272.50; Drain No. 11 ROW \$135; Drain No. 7 reassessment \$9647.50; Crooked Creek Task 3 \$4186.25

Total: \$20,603.27

The Sargent County Teller- Drain No. 7 Legals/hearing notice

Total: \$461.44

Wendy Willprecht- Office supplies

Total: \$187.21

Starion Bond Services- Drain No. 7 \$190,485.08; Drain No. 12 \$123,487.50; Drain No. 11 \$523,681.55

Total: \$837,654.13

Manager Zetocha seconded the motion. Upon roll call the motion carried unanimously.

Drain No. 11:

Project: Nathan Trosen of Moore Engineering provided an update on the closing documentation. The Lamb property has been completed and they are still working on the Rust property.

Glen Thompson Utility Permit: District is waiting for a response from Mr. Thompson regarding the utility permit. Mr. Thompson has indicated he would like to resolve his tile access before closing on the Drain 11 right of way acquisition for his property.

Drain No. 4:

Reassessment: Due to a winter storm, the March 1st, 2023 hearing had to be postponed. Notice requirements will need to be followed when announcing the new date for the hearing. Sean Fredricks provided a draft Resolution to set the rescheduled reassessment hearing for May 10th, 2023 at 5:00 p.m. at the Forman City Hall.

Manager Stein made a motion to approve the Resolution and for Chairman Siemieniewski and Administrator Willprecht to sign the Drain No. 4 hearing resolution. Manager Zetocha seconded the motion. Upon roll call, the motion carried unanimously.

Drain No. 7:

Project: No update.

Reassessment: Due to a winter storm, the March 1st, 2023 hearing had to be postponed. Notice requirements will need to be followed when announcing the new date for the hearing. The new Drain assessment hearing date will be May 10th, 2023 at 2:00 p.m. at the Milnor Senior Citizen's building. The hearing information for Drain No. 7 will also be published in the Ransom County Gazette.

Manager Speich made a motion to approve the resolution and for Chairman Siemieniewski and Administrator Willprecht to sign the Drain No. 4 hearing resolution. Manager Stein seconded the motion. Upon roll call, the motion carried unanimously.

Trosen reported that he went through the tile records and found four permits that would need to be investigated further to determine if they include drain tile. Trosen said he would put summaries together for the Board to review and we could further discuss these records at the April meeting.

Drain No. 9 Extension: No report.

Drain No. 8: Trosen reported that the Department of Emergency Services is still waiting for their funding from the federal level. Once they have their funds they can then consider applications for approval. Trosen suggested waiting to hold any city meetings until we hear back from the Department of Emergency Services.

Cogswell Tile: No report

Drain No. 2: Manager Speich commented that the county will be taking spoil from along the Drain to use to build up County Road 12.

Shorth Foot Creek: Trosen reported that we are still waiting for the NRCS to finish their review of the other watershed plans that have been submitted.

Crooked Creek: Trosen said that Moore Engineering submitted the existing conditions and modeling to the NRCS in February. Reports are being completed working towards closing out the planning project. Trosen said that this project is expected to formally close out by the end of April.

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| 084875 | Lucas Siemieniewski | Travel | \$36.68 |
| | Todd Stein | Travel | |
| 084876 | Michael Wyum | Travel | \$469.52 |
| 084877 | Roger Zetocha | Travel | \$32.75 |
| | Bruce Speich | Travel | |
| DD | Lucas Siemieniewski | PD | |
| DD | Todd Stein | PD | \$ 1,246.60 |
| DD | Michael Wyum | PD | \$415.53 |
| DD | Roger Zetocha | PD | \$415.53 |
| DD | Bruce Speich | PD | \$1,246.60 |
| DD | Wendy Willprecht | Sec-Treas -Salary less taxes \$457.17 | \$2042.83 |
| DD | Stock Grower’s Bank | Withholding Taxes | |
| DD | ND State Tax Commission | State Tax | |
| DD | Job Service ND | Unemployment Comp. | |

NEW BUSINESS:

Elections: Manager Speich moved to appoint Board officers and positions the same as 2022, as follows:

Chairman Siemieniewski

Vice-Chairman Wyum

Administrator Willprecht

Attorney: Ohnstad Twichell, Sean Fredricks

Engineer: Moore Engineering, Nathan Trosen

Manager Stein seconded the motion. Upon roll call, the motion carried unanimously.

Doosan request to reslope south ditch at the intersection of Highway 13 and Highway 32: Scott Berndt submitted a REQUEST FOR DRAINAGE ON HIGHWAY RIGHT OF WAY on behalf of Bobcat to NDDOT. NDDOT then submitted the REQUEST FOR DRAINAGE ON HIGHWAY RIGHT OF WAY to the SCWRD for consideration. The SCWRD only has jurisdiction over work conducted in highway right of way to the extent the work proposed by the applicant involves drainage improvements that require a state drainage permit under N.D. Cent. Code § 61-32-03 or 61-32-03.1. However, the SCWRD recognizes that, under federal highway rules, NDDOT must obtain approvals from water resource districts prior to NDDOT approval of highway right of way cleanouts, improvements, or use by private parties. With that in mind, Sean Fredricks indicated the Board could “approve” the REQUEST FOR DRAINAGE ON HIGHWAY RIGHT OF WAY, then submit the approved form to NDDOT along with a cover letter that provides the SCWRD’s limited “approval” authorities.

Manager Speich to approve the REQUEST FOR DRAINAGE ON HIGHWAY RIGHT OF WAY for Bobcat/Scott Berndt, and to direct Administrator Willprecht to submit the form to NDDOT along with a cover letter that indicates the work may still require a surface drainage permit under N.D. Cent. Code § 61-32-03. Manager Zetocha seconded the motion. Upon roll call, the motion carried unanimously.

Mathew Bosse Tile Application:

Application to Install a Subsurface Water Management System No. 2023-02 for Matthew Bosse in the Southeast Quarter of Section 11 in Brampton Township

The Board next reviewed *Application to Install a Subsurface Water Management System No. 2023-02*, filed March 10, 2023, by Applicant Matthew Bosse. Under the Application, Applicant seeks to install an 82-acre drain tile system in the Southeast Quarter of Section 11 in Brampton Township, Sargent County, North Dakota. The project will include a single pump outlet located in the Southeast Quarter of the Southeast Quarter of Section 11; the pump will discharge into an existing private drain that runs to the east and discharges into the west road ditch along County Highway 5; the discharge then flows north, in the west ditch along County Highway 5, along the east boundary of the East Half of Section 11 until reaching the northeast corner of the Northeast Quarter of Section 11; from there, the discharge flows east, through an existing culvert under County Highway 5.

According to County tax roll information, Glenn Cooper owns the Southeast Quarter of Section 11 of Brampton Township where Applicant intends to install the tile system. With regard to downstream parcels, Donald Rust owns the Northeast Quarter of Section 11 of Brampton Township.

Manager Stein moved, and Manager Bruce seconded the motion, to approve *Application to Install a Subsurface Water Management System No. 2023-02*, filed March 10, 2023, for Matthew Bosse in the Southeast Quarter of Section 11 in Brampton Township, and to authorize the Secretary-Treasurer to sign SUBSURFACE WATER MANAGEMENT PERMIT NO. 2023-02, subject to the following conditions:

1. Applicant will re-establish any areas disturbed installing or maintaining Applicant’s tile system.
2. Applicant will not install Applicant’s tile system within 20 feet, on either side, of any rural water lines Southeast Water Users District has in the Southeast Quarter of Section 11 in Brampton Township under any blanket easements, or otherwise beyond the Water District’s existing easement.
3. Applicant will turn off any pump outlets and otherwise close all outlets during “critical flood periods,” as determined by the Sargent County Water Resource District.
4. Applicant must remove silt or vegetation, or repair erosion or scour damages *directly* caused by Applicant’s tile system, but only up to one mile downstream from the project outlet.
5. Applicant must apply for an amendment to SUBSURFACE WATER MANAGEMENT PERMIT NO. 2023-02 in advance of any proposed alterations to outlet locations, the addition of any outlets, or improvements or modifications to the tile system that could increase the capacity or drainage area of the tile system.

Upon roll call vote, Managers Speich, Stein and Wyum voted in favor of the motion. Manager Zetocha voted against the motion. The motion carried.

With regard to condition #4, Applicant’s obligations to remove silt or vegetation, or to repair erosion or scour damages, will only arise upon submission of substantial evidence to the Board by a downstream landowner or road authority that Applicant’s tile system *directly* caused accumulation of silt or vegetation, erosion, or scouring.

Under Section 61-32-03.1, the Board cannot attach any additional conditions to Applicant’s permit. However, for Applicant’s protection, and to ensure protection of Applicant’s tile system, the Board will recommend that Applicant comply with the following:

1. The Board recommends that Applicant obtain written consent from the Sargent County Highway Department to discharge into or otherwise utilize any of its County Highway 5 right of way.
2. The Board recommends that Applicant obtain written consent or an easement from the owner of the Southeast Quarter of Section 11 to install tile components on the property.
3. The Board recommends that Applicant obtain all other necessary and requisite licenses, permits, registrations, and/or approvals from all applicable federal, state, county, and municipal governments, and any other applicable governmental entities.

Sean Fredricks will provide copies of the Board’s NOTICE OF DECISION, SUBSURFACE WATER MANAGEMENT PERMIT NO. 2023-02, and Applicant’s downstream flow map to the Department of Water Resources, the Sargent County Highway Department, Glenn Cooper, Donald Rust, and Southeast Water Users District.

NDDDES Flood Protection Measures: Administrator Willprecht shared information from the NDDDES reminding counties the requirements and procedures for installation of temporary emergency levees and emergency drains.

Legislation: Attorney Fredricks gave a summary on bills that could impact water resource district operations and authorities.

DSJTB bills for approval –

DSJTB bills for approval

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|--|---------------------|
| 084980 DVEC – electricity – | \$ 134.00 |
| Jemco, LLC- maintenance | \$ 789.66 |
| Moore Engineering- Lambert property closing | \$ 45.00 |
| Starion Bond Services- Bond payment | \$178,202.50 |

****Special Assessments received:**

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|--------------------------|---------------------|
| Maintenance Collections | \$ 9,045.30 |
| Bond Special Assessments | \$ 86,656.61 |

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|------------------------------|----------------------|
| Maintenance Account Balance: | \$ 33,297.80 |
| Improvement Account Balance: | \$ 329,440.86 |

Manager Stein made a motion to approve the bills. Manager Zetocha seconded it. Upon roll call, the motion carried unanimously.

Richland-Sargent Drain #1 Maintenance Fund Financial Statement

BEGINNING BALANCE February 1, 2023

\$416,817.43

REVENUE:

| | | |
|-------------|-----------------------------|-----------|
| | | \$8,126.6 |
| Rt. #23-009 | Richland Co. Tax & Business | 7 |

**TOTAL REVENUE
RECEIVED:**

\$8,126.67

EXPENDITURES:

| | | |
|------------|------------------------|-----------|
| | | \$13,675. |
| Ck. #19080 | Moore Engineering, Inc | 00 |
| Ck. #19076 | Ohnstad Twichell, PC | \$233.68 |

TOTAL EXPENDITURES

\$13,908.68

The meeting adjourned at 8:53 a.m.

APPROVED:

MICHAEL WYUM, VICE- CHAIRMAN

ATTEST:

WENDY WILLPRECHT SECRETARY-TREASURER